

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

WORLD TREE FINANCIAL, LLC,
WESLEY KYLE PERKINS, and
PRISCILLA GILMORE PERKINS,

Defendants.

Case No. 6:18-CV-01229-MJJ-CBW

DISTRICT JUDGE MICHAEL J. JUNEAU

MAGISTRATE JUDGE CAROL B.
WHITEHURST

**EXPEDITED CONSIDERATION
REQUESTED**

**DECLARATION OF LYNN M. DEAN IN SUPPORT
OF SECURITIES AND EXCHANGE COMMISSION'S
MOTION TO CONDUCT TRIAL BY VIDEOCONFERENCE**

I, Lynn M. Dean, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney at law admitted to practice law in the State of California and before the United States District Court for the Central District of California. I am employed as an attorney in the Los Angeles Regional Office of the U.S. Securities and Exchange Commission (“SEC”), and am counsel of record for the SEC in this case. I have personal knowledge or knowledge based upon my review of the file of the facts set forth in this Declaration and, if called and sworn as a witness, could and would competently testify thereto.

2. Earlier this year, due to the impact of the pandemic on in-person appearance and travel, the depositions in this action proceeded by video. The parties conducted four videoconference depositions between July 8, 2020 and July 21, 2020.

3. On August 12, 2020, the Court held a status conference concerning the schedule in this action. Given that the District has ordered that no civil jury trials may proceed until January 2021, the Court offered that defendants could elect to waive a jury trial and proceed with

a bench trial in November, or wait until jury trials are currently anticipated to resume in January 2021.

4. The SEC filed a motion for partial summary judgment against all defendants on August 31, 2020, as well as a motion *in limine* to exclude defendants' expert. The motions were initially set by the Court for a hearing on November 10, 2020. Because that date was after the trial date, I contacted the Court's clerk Michelle Kallan on September 1, 2020 to inquire about scheduling that hearing and the Order requiring live appearances at the trial. In response, the Court reset the motions to be heard on October 23, 2020, the same date as the final pretrial conference. By telephone on September 2, 2020, Ms. Kallan advised me that the Court would entertain discussion at the final pretrial conference whether the bench trial would proceed remotely or in-person.

5. On September 16, 2020, I met and conferred with defense counsel Buzz Durio by telephone concerning this motion. Mr. Durio indicated that Defendants oppose the SEC's request that the entire trial be conducted remotely. Defendants have no objection to the SEC and its witnesses appearing by video-conference.

6. The SEC's offices nationwide remain on mandatory telework, requiring permission for staff to enter any of its offices.

7. I am concerned about the health and safety implications for me of traveling to Lafayette, Louisiana for trial. I am mindful that air travel remains discouraged by the CDC, whose website, as of August 25, 2020, advises that “[t]ravel increases your chances of getting and spreading COVID-19. Staying home is the best way to protect yourself and others from COVID-19.”¹ I am responsible for the care and maintenance of my 91-year-old mother, who has dementia and is in a high-risk group, and I limit my activities so that I can take care of her.

¹ See <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-risk.html> (noting that “Air travel requires spending time in security lines and airport terminals, which can bring you in close contact with other people and frequently touched surfaces. Most viruses and other germs do not spread easily on flights because of how air circulates and is filtered on airplanes. However, social distancing is difficult on crowded flights, and sitting within 6

8. The SEC has already conducted one bench trial entirely remotely in the Southern District of New York. *See SEC v. Paulsen*, Civil Action No. 1:18-cv-6718 (PGG) (S.D.N.Y. July 22, 2020). SEC counsel and witnesses were in Chicago and all parties and witnesses, including the Defendants appeared by video-conference. Therefore, the SEC's counsel, paralegal and technical staff are familiar with technological measures to carry out a remote trial occurring in another jurisdiction.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of September, 2020 in Los Angeles, California.

/s/ Lynn M. Dean
Lynn M. Dean

feet of others, sometimes for hours, may increase your risk of getting COVID-19. Factors that may increase risk of air travel include flight duration and whether others onboard are wearing masks.”).